

# **Virginia Regulatory Town Hall Agency Background Document Notice of Intended Regulatory Action (NOIRA)**

**Agency Name:** Virginia Department of Social Services  
**VAC Number:** 22 VAC 40-720-10 et seq.  
**Regulation Title:** Child Protective Services Release of Information to Family  
Advocacy Representatives of the United States Armed Forces  
**Action Title:** Revise Definition of Founded Disposition  
**Date:** January 20, 1999

## **Basis:**

*Virginia Code* Sections 63.1-25 and 63.1-248.6:1 provide mandatory authority. This regulation is within the scope of the mandate.

## **Purpose:**

Before this regulation was implemented in 1994, previous policy permitted information sharing between local agencies and Family Advocacy Programs on a discretionary basis. This discretion resulted in some military families not being tracked, and/or children at risk in these families not receiving needed services for protection purposes. This regulation appears to be in the best interest of children at risk by mandating the sharing of information in founded cases of child abuse/neglect between the local department of social services and the Family Advocacy Program.

## **Substance:**

This regulation provides the local department with the authority to release information, when appropriate to a representative of the Family Advocacy Program. Information regarding child protective services reports, complaints, investigations and related services and follow-up may be shared with the appropriate Family Advocacy Program representative of the United States Armed Forces when the local agency determines such release to be in the best interest of the child. 22 VAC 40-720-10 applies to instances where the alleged abuser or neglecter is a member (or the spouse of a member) of the United States Armed Forces. In these situations, coordination between child protective services and the Family Advocacy Program is intended to facilitate identification, treatment and service provision to the military family.

In founded complaints in which the abuser or neglecter is an active duty member of the United States Armed Forces, or is the spouse of a member residing in the member's household, information regarding the disposition, type of abuse or neglect, and the identity of the abuser or neglecter must be provided to the appropriate Family Advocacy Program representative. This notification must be made in writing within 30 days after administrative appeal rights of the abuser or neglecter have been exhausted or forfeited.

The military member must be advised that this information is being provided and shall be given a copy of the written notification sent to the Family Advocacy Program representative. When needed by the Family Advocacy Program representative to facilitate treatment and service provision to the military family, additional related information must also be provided to the Family Advocacy Program representative.

The definition of "Founded" must be amended in this regulation to ensure that it is consistent with the definition of "Founded" in the regulation entitled, Child Protective Services (22 VAC 40-705-10 et seq.), which requires "preponderance of the evidence" for a founded disposition.

**Alternatives:**

No other alternatives were considered. During the public comment period of the Periodic Review (pursuant to Executive Order 25 [98]) only one comment was proffered, which strongly supports this regulation. During the 1980's, the Department of Defense began recognizing that family problems were having an adverse effect on readiness, retention and quality military performance. Family Advocacy Program (FAP) was promulgated as a response to this problem. Now in its twelfth year, it has been successful in helping prevent child and spouse abuse in military families, and has also been successful in protecting victims when child or spouse abuse has occurred, and in treating both the victims and the abusers. The Department of Defense Directive 6400.1 mandates, in part, the requirements that the military notify local departments of social services as well as the military law enforcement in cases of suspected child abuse; and encourages local commands to develop memoranda of understanding providing for cooperation and reciprocal reporting of information with the appropriate civilian officials.

